

REMARKS

Claims 1 and 2 are presented for consideration, with Claim 1 being independent.

Independent Claim 1 has been amended to further distinguish Applicants' invention from the cited art. Claims 16 and 17 have been cancelled.

Claims 1, 2, 16 and 17 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Particular attention was paid to the grounds for this rejection as set forth on page 2 of the Office Action in amending Claim 1 as shown above. It is submitted that all the claims are in full compliance with the particularity and distinctness requirements of the statute.

Claims 1, 2, 16 and 17 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Disharoon. This rejection is respectfully traversed.

Applicants' invention as set forth in Claim 1 relates to a vibrating knife comprised of an excision member which is brought into contact with a target and vibrated in a direction at an angle to a traveling direction in excision so as to excise the target. As amended, the excision member comprises a first edge formed by sides having hydrophobic surfaces, and a second edge formed by sides having hydrophilic surfaces and arranged at a position opposite to the first edge. When the target is hydrophobic, the first edge is used as a leading end edge located on a forward side in the traveling direction to excise the target, and the second edge is

used as the trailing edge. When the target is hydrophilic the second edge is used as the leading end edge and the first edge is used as the trailing end edge.

Support for the amendments to Claim 1 can be found, for example, on page 9, line 9, *et. seq.*, of the specification. As claimed, a high performance vibrating knife is provided.

As discussed in the previous Amendment of January 7, 2008, Disharoon relates to a method and apparatus for using a vitreous carbon knife element. With reference to Figures 2 and 3, a knife element 30 includes a vitreous carbon plate 31 having a knife edge 38. The vitreous carbon knife edge is a hydrophobic material, but Disharoon discloses that at least one surface “adjacent” to the edge may be a hydrophilic material (see column 7, lines 30-38). In contrast to Applicants’ claimed invention, however, Disharoon fails to teach or suggest an excision member having a first edge formed by sides having hydrophobic surfaces and a second edge formed by sides having hydrophilic surfaces. In Disharoon, on the other hand, only one cutting edge--knife edge 38--is provided.

Accordingly, reconsideration and withdrawal of the rejection of the claims is deemed to be in order and such action is respectfully requested.

Thus, it is submitted that Applicants’ invention as set forth in independent Claim 1 is patentable over the cited art. In addition, dependent Claim 2 sets forth additional features of Applicants’ invention. Independent consideration of the dependent claim is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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